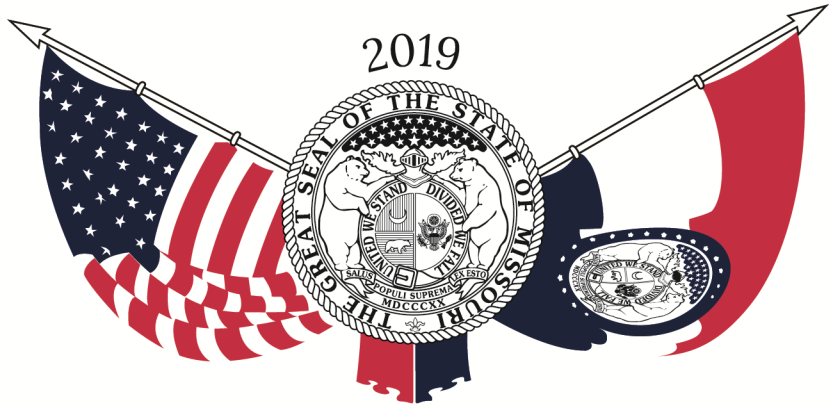


THE MEC GUIDE TO ETHICS LAWS

A PLAIN ENGLISH SUMMARY



Missouri Ethics Commission

Updated 12/5/2018

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This guide is intended to provide a plain English summary of the Missouri Ethics laws, including laws affecting the activity of individuals who are or may become candidates for elective office at the state, county, municipal or special district level in Missouri.

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About the Commission

Missouri Ethics Commission

The Missouri Ethics Commission (MEC) was created by the Missouri Ethics Law of 1991 (§105.955 RSMo).

The Commission consists of six members, each appointed by the Governor with the advice and consent of the senate for a four-year term. Commissioners serve in a non-partisan manner and not more than three can be of the same political party. Each member must be selected from a different congressional district. A chair and vice-chair are elected every two years. The Commission employs an Executive Director to oversee the day-to-day operations of the agency's professional and non-partisan staff.

The Commission enforces the laws and retains information and reports related to conflict of interest; lobbyists; personal financial disclosure; and campaign finance disclosure.

The Commission issues advisory opinions regarding the laws it enforces. Advisory opinions can be found on the Commission's website at www.mec.mo.gov.

Our Mission

The MEC serves the public interest by promoting and maintaining transparency, accountability, and compliance with campaign finance, lobbying, and conflict of interest laws. We educate and assist the citizens of Missouri, public officials, lobbyists, and those participating in public elections by increasing awareness and understanding of the law. We investigate and enforce these laws consistently.

Things to know

What are disclosures?

If you are a public or elected official, or a candidate running for office, the law requires you to file disclosures that are available to the public.

1. **Personal Financial Disclosure**—because of the position held by an individual (public/elected official or employee) or the office an individual is seeking in an election (candidate), that individual may be required to file a Personal Financial Disclosure (PFD) statement, disclosing the financial interests of themselves, their spouse and any dependent child(ren). The PFD statement is available to the public upon written request.

‣ See pages 6-10 for more detailed information.

2. **Campaign Finance Disclosure Reports**—if an individual or group of individuals, a candidate or a committee is accepting money (contributions) from others and/or spending money (expenditures) during a campaign and that activity exceeds certain dollar amounts, the individual(s), the candidate or committee may be required to form and register a campaign finance committee and, for the life of that committee, file reports disclosing the committee's activity. Disclosure reports are due at specific times depending on the committee's type. Campaign finance disclosure reports are available to the public on the MEC's website.

‣ See pages 12-26 for more detailed information.



Information about the Ethics Commission and all forms and requirements can be found on the Commission's website at www.mec.mo.gov.



Personal Financial Disclosure

Purpose

Personal Financial Disclosure (PFD) is a statement, completed and filed, by a **public official, an employee or a candidate**, to provide to the public information about their financial interests. Historically the PFD statement has been used to disclose any potential conflicts of interest by a public official or employee. For political subdivisions with a conflict of interest policy, ordinance, or resolution, the PFD is also known as a Financial Interest Statement.

See §105.483—§105.492 RSMo for more information.

Required PFD Filers

Who must file a Personal Financial Disclosure (PFD)?

Public officials and candidates for the following positions are required to file PFD statements (including former officials/employees who served in the previous calendar year, even if only part of that year):

- Statewide office holders and designated staff
- Senators and Representatives
- New judicial candidates
- Incumbent Judges (except Municipal)
- Municipal Judges (if required by political subdivision)
- Certain state boards and commission members
- Certain employees of the state or political subdivisions of the state including those employees who are authorized to serve as the chief administrative officer, chief purchasing officer, general counsel, or promulgate or adopt rules and regulations
- Candidates and public officials in political subdivisions, where an ordinance has been adopted and filed with the Missouri Ethics Commission, that meet one or both of the following:
 - The candidate, official, or their relative (related within the first degree of blood or marriage) is doing business or owns a substantial interest in a business that has conducted business with the political subdivision in excess of \$500/transaction
 - The conflict of interest ordinance/resolution specifically requires the filing of a Personal Financial Disclosure statement

NOTE: Persons required to file or who are designated to file a PFD statement are either an “Annual Filer” or a “Candidate Filer”. If running for election or re-election, an “Annual Filer” may also be a “Candidate Filer”; and would be required to file his/her PFD by the earliest deadline applicable (ex: candidate deadline).



See ***Guide to Personal Financial Disclosure*** on our website.

Annual Filers

Annual Filers

An annual filer is an individual from a political subdivision (with an annual operating budget (AOB) over \$1 million dollars) that holds a position in the subdivision that is required by law to file a PFD statement because of the position held. A PFD must be filed with the MEC after Jan 1, and no later than May 1 for each year (or portion of the year) the position is held; except if the filer is also running for election or re-election, then the filer must file PFD by candidate deadline. (Circuit and Associate Judges file their PFD with the Supreme Court).

The law allows political subdivisions to adopt their own conflict of interest ordinance or resolution identifying positions required to file a PFD. The ordinance must be adopted (or re-adopted), biennially (every 2 years) by Sept 15, and a certified copy must be filed with the MEC within 10 days of the adoption (or re-adoption).

Each year, the MEC requests a list of annual filers from all designating agencies and/or political subdivisions (with AOB over \$1 million dollars) with or without an adopted ordinance or resolution on file. Agencies and political subdivisions are required to notify the MEC of all individuals required to file. Individuals should contact his/her agency or political subdivision with questions about being designated as a required filer.

Annual filer notification:

In January of each year, the MEC notifies individuals (including former officials/employees) that they have been designated as required to file a PFD by their agency or political subdivision.

State law requires the agency or political subdivision to notify an individual designated as a required filer, including former officials/employees.

Reporting time period:

The time period covered by the PFD is January 1 through December 31 of 2018; **unless** an individual no longer holds the position, then the time period is from January 1 through the last day position was held. (If a candidate, see information on incumbent candidates on page 8)



See **Ordinance** on our website for more information and a sample.

Candidate Filers

Candidate Filers

A candidate filer is an individual running for public office that is required to file a PFD due to the office the candidate is seeking.

A candidate's PFD is due no later than 14 days after the closing date for filing for candidacy (see specific due dates on next page). If an individual is nominated as a candidate after the certification date, they must file a PFD within 14 days of nomination. This includes candidates in political subdivisions with an AOB over \$1 million (unless the subdivision has adopted an ordinance or resolution which specifically excludes the candidate from filing a PFD). Candidate filers must file their PFD with the MEC and provide a copy to their political subdivision if it has an ordinance (judicial candidates see below).

Candidate filer notification:

A candidate filer receives notification (ex: *Notice to Candidate form*) of their PFD filing requirement from their election authority when they file a declaration of candidacy with their election authority.

Reporting time period:

Incumbent candidates (or candidates who are also annual filers) report information from Jan 1 of the previous calendar year to the closing date for candidacy (may be longer than a 12 month period).

New candidates report information for the 12 months prior to the closing date for candidacy. For example, candidate filing closes on January 15, 2019, for the April Municipal election. The time period covered on the PFD will be January 15, 2018 through January 15, 2019.

Where do candidates for judicial office file?

- New judicial candidates—*file with the MEC*
- Municipal judge candidates (if required by subdivision)
-*file with the MEC*
- All incumbent judicial candidates (including judges standing for retention)—*file with Supreme Court only.*

Candidate Filers

Candidate PFD Due Dates

Candidates required to file a PFD must file according to the following dates:

2019 Statutory Election Dates	Feb 5	Mar 5 STL charter	Apr 2 Municipal election	April 2 KC charter	Aug 6	Nov 5
Closing date of filing for candidacy	Nov 20	Jan 4	Jan 15	Jan 8	May 21	Aug 20
PFD Filing Deadline* (14 days from the closing date of filing for candidacy)	Dec 4	Jan 18	Jan 29	Jan 22	June 4	Sept 3
PFD Filing Deadline ** (21 days from the closing date of filing for candidacy)	Dec 11	Jan 25	Feb 5	Jan 29	June 11	Sept 10

Penalties unless the subdivision has an ordinance or resolution:

- * **Failure to file by the 14 day deadline results in a minimum \$10 per day late fee.**
- ** **Failure to file by 21 day deadline shall result in removal from the ballot.**
- *** **Close of filing for jurisdictions authorized to elect directors in November, such as 911 & Emergency Services directors.**

If the subdivision has a conflict of interest ordinance on file with the MEC and filing deadlines are not met, penalties (if any) are assessed by the political subdivision according to its ordinance.

A candidate required to file a PFD because of their candidacy in a primary election is required to **amend** their PFD by the close of business on the Monday before the general election if they obtain any additional financial interests or have any change in their existing financial interests since the filing of their last PFD.

See **PFD FAQs** on our website and/or §105.487(1) RSMo for more information.

PFD - Other

Newly Appointed or Employed Individuals

If an individual has been newly appointed or employed in a position that requires the filing of a PFD, that individual must:

- File PFD within 30 days from appointment date or hire date
- E-file (or file original paper form) with the MEC
- Report for calendar year before the date of appointment (ex: if appointed in 2019, report for calendar year 2018)

All filers

- Faxed or emailed filings ARE NOT accepted, paper filings require original signature
- Electronically filed or hand-delivered filings must be received by 5:00 pm **on** due date
- Mailed filings must be post-marked no later than midnight **the day before** the due date

.....



Log-in online at mec.mo.gov

Use your PFD filer online ID (ex: F#####)



Campaign Finance Disclosure

Purpose

Campaign finance disclosure is required when individuals, groups, and entities receive money (contributions) and/or spend or incur money (expenditures) to support or oppose a candidate or ballot measure. The law requires record-keeping and, in most instances, reporting of this activity. The purpose for these disclosure requirements is to provide accountability, transparency and enforceability. See Chapter 130 RSMo for more information.

Campaign Finance Committees

What is a Committee?

A campaign finance committee is a person* or group of persons who accepts money from others (contributions received) or spends or incurs money (expenditures made) to influence the action of voters for or against candidates and/or ballot measures or to pay a campaign debt.

Once the money spent or received exceeds certain dollar amounts a campaign finance committee must be formed and registered.

**See §130.011 RSMo for full definitions of “committee”, “person”, and “thresholds”.*

What is a Non-Committee?

Individuals, businesses, groups and others that do not meet the definition of committee, that are not accepting contributions from others but are spending (or incurring) money to support or oppose a candidate or ballot measure are considered a non-committee. *See also Advisory Opinion No. 2018.05.CF.004* regarding when non-profit corporations may be committees.

If a non-committee makes expenditures totaling \$500 or more in support of or in opposition to one or more candidates or ballot measures, a *Non-Committee Expenditure Report* disclosing the details of the expenditures must be filed. *See also §130.047.1 RSMo* and/or the Non-Committee Expenditure Report form on our website.

When is an out-of-state committee or Federal PAC required to register a Missouri committee?

1 CSR 50-5.010 defines certain federal political action committees (registered with the FEC) and out of-state committees (committees registered in other states). 1 CSR 50-5.020 provides that committees which make contributions to Missouri committees or make expenditures to support or oppose Missouri candidates or ballot measures will be required to register a Missouri committee if:

- The aggregate of all contributions received from persons domiciled in Missouri exceeds 20% in total dollar amount of all funds received by the committee in the preceding twelve months; or
- The aggregate of all contributions and expenditures made to support or oppose candidates and ballot measures in Missouri exceeds \$1,500 in the current calendar year. *§130.021.10, RSMo.*

Once registered, they report only their Missouri activity to the MEC in accordance with the regular reporting schedule.

Campaign Finance Committees

When does a candidate form a committee?

1. Choose Candidate Type (What office are you running for?)	2. Determine Activity Thresholds (How much money have you spent or received?)	3. View Reporting Requirement (Follow arrow to view requirements)
<ul style="list-style-type: none"> Statewide Office State Representative or State Senator Municipal Office (in a municipality with a population greater than 100,000) 	<ul style="list-style-type: none"> Total contributions received are \$500 or less; and Total expenditures made on behalf of the candidate are \$500 or less; and No single contributor (other than the candidate) contributed more than \$325 <hr/> <p>OR Candidate exceeds any of the thresholds above</p>	<p>Must register as an exempt candidate (file <i>Statement of Exemption*</i>)</p> <hr/> <p>Must form & register a committee (file <i>Statement of Committee Organization*</i>)</p>
<ul style="list-style-type: none"> All other candidates (ex: Judge, county office, city office in a municipality with a population of 100,000 or less; school board, fire board, etc.) 	<ul style="list-style-type: none"> Total activity is \$1,000 or less; (includes contributions received + expenditures made by the candidate or any other person with the candidate's knowledge); and No single contributor contributed more than \$325 <hr/> <p>OR Candidate exceeds any of the thresholds above</p>	<p>Not required to form and register a committee</p> <hr/> <p>Must form & register a committee (file <i>Statement of Committee Organization*</i>)</p>

* Also file subsequent campaign finance disclosure reports for each reporting period as required.

NOTE: See chart on page 16 (Step 4) for “Where to File...”

Campaign Finance Committees

I'm required to form a committee, now what? (Steps for Compliance)

1. Identify committee type
2. Form the committee
3. Register the committee
4. Identify where to file...
5. File campaign finance reports
6. Amend committee information or reports (if needed)
7. Distribute any remaining funds & dissolve any debt
8. Terminate or update the committee

Step 1: Identify Committee Type

Below are the different committee types along with their specific deadlines for forming*:

Committee Type	Deadline for Forming
Candidate Committee Formed by a single candidate for office in a specific election.	At least 30 days prior to election date
Continuing Committee (Political Action/PAC) Formed to remain in existence beyond any one election/ballot issue, directed by someone other than a candidate.	At least 60 days prior to election date
Debt Service Committee Candidate committee converted to retire committee debt.	With <i>30 Day After Election Report</i> showing outstanding debt
Exploratory Committee Formed to receive/spend money to determine whether an individual will seek public office.	See §130.011 RSMo
Political Party Committee Formed as a committee of a political party	See §130.011 & §115.603 RSMo

* Campaign Committees are not subject to formation deadlines.

Campaign Finance Committees

Step 2: Form the Committee

Now that you've met the thresholds requiring you to form a committee you open a committee bank account, appoint a treasurer and/or deputy treasurer, select committee name, establish committee record-keeping, etc. (See Candidate/Committee Checklist on page 22)

Treasurer/Deputy Treasurer Requirements:

- Must be a resident of Missouri
- Must reside in candidate's district or any county which contains a portion of that district (Adv. Opinion 2008-10.CF.009)
- If candidate committee, must be appointed by the candidate (candidate can appoint self as treasurer)



See the ***Treasurer's Guide for Campaign Finance*** brochure on our website.

Step 3: Complete Committee Registration Packet

Candidates/committees register their committees by filing a *Statement of Committee Organization* within 20 days of becoming a committee (or of change) and no later than the deadline for the filing of the first disclosure report.

NOTE: MEC filers will file their disclosure reports electronically with the MEC and establish their e-filing account when registering the committee.

Local campaign committee filers that choose to e-file (thereby fulfilling their local reporting requirement) establish their e-filing account with the MEC by filing a *Statement of Committee Organization* and an *Electronic Filing Agreement* with the MEC and from that point on must file their disclosure reports electronically. See [Committee Registration Packet](#)).

See next page for **"Where to file..."**



See different search options available for campaign finance on our website. Link Path: *Campaign Finance > Searches*

Campaign Finance Committees

Step 4: Identify “Where to file...”

NOTE: If receive a \$5,000 or more contribution or loan, including a loan from yourself, a committee must be registered with the MEC within 48 hours, in order to electronically file the *48 Hour Report of Contribution over \$5,000*.

Type of filer	Where to register committee	Where to file disclosure reports
MEC filers <ul style="list-style-type: none"> • Candidates for Statewide Office • Statewide ballot measure (campaign committee) • Continuing Committee (political action/PAC) • State Political Party committees (State and local) • Local political party committee • Candidates for: <ul style="list-style-type: none"> ▪ State Senator ▪ State Representative ▪ County Office ▪ Partisan Circuit Court Judge ▪ Partisan Associate Circuit Court Judge ▪ City Office ▪ School, fire, ambulance, or any other special purpose district 	MEC (Missouri Ethics Commission)	E-file using MEC's e-filing system
Local Filers: <ul style="list-style-type: none"> • Local ballot measure committee (campaign committee) 	Local Election Authority (County Clerk or Board of Election Commissioners)	Paper file With local election authority or E-file using MEC's e-filing system

Campaign Finance Committees

Step 5: File Campaign Finance Reports

All candidates/committees required to form a campaign finance committee must disclose campaign finance activity by timely filing a disclosure report for each reporting period for the life of that committee. A disclosure report is filed as *either* a:

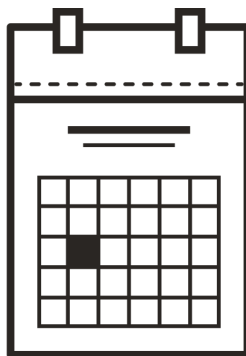
- Full Disclosure Report; or
- Statement of Limited Activity Report

Electronic Filing

- All campaign finance reports filed with the MEC must be filed electronically.

Due Dates & Deadlines for Filing

- Reports electronically filed must be filed on the due date
- If the due date for filing a report falls on a Saturday, Sunday, or an official holiday, the due date is extended to the next business day (this does not apply to the *48 Hour Report of Contribution over \$5,000* report or reports required to be filed after the 8 Day Before Election Report (ex: *Late Contribution Report*, *Late Expenditure Report*).



Late Fees

If reports to be filed with the MEC are not received by the due date a minimum \$10 per day late fee may be assessed. For the 8 Day Before Report (See page 19), a \$100 per day late fee may be assessed for the first 8 days and \$10 per day thereafter (candidates only).

Campaign Finance Committees

Step 6: Amend committee information and/or disclosure reports, if needed

File an *Amended Statement of Committee Organization* within 20 days after a change occurs, but no later than the due date of the next required report. Include a brief description of what changed.

After Election:

Unsuccessful Candidates:

- If more money on hand than debt, terminate committee within 30 days
- If more debt than money on hand, can amend to a Debt Service Committee
- Unsuccessful Incumbent Candidates: Contact the MEC

Successful Candidates:

- Update election information to continue to receive contributions; or
- Use committee funds for necessary and ordinary expenses in connection with duties of office; or
- Terminate the committee

NOTE: Successful candidates must file *30 Day After Election Report*, if have expenditures or contributions made, BEFORE being sworn-in. Time period is from day after last report closed through the day before the swearing-in.

Step 7: Distribute any remaining funds and dissolve any debt

(See §130.034 for allowable uses of contributions, however the Missouri Constitution prohibits certain contributions to committees, including candidate committees. See page 23-26 for specific detail)

Step 8: Terminate the Committee

File *Committee Termination Statement* & last Full Disclosure Report

- Within 10 days of committee's dissolution
- Time period is through the committee's dissolution date
- Include disposition of funds (surplus/debt)
- Include current contact info
- Must preserve committee's records & reports for 3 years.



See ***After Election Requirements & Debt Service Committees*** brochure and/or ***Terminating a Committee*** on our website.

Campaign Finance Committees

2019 Filing Requirements and Dates

Reporting Period: If filing a *Full Disclosure Report*, the time period covered begins the day after the last filed *Full Disclosure Report* (not *Statement of Limited Activity Report*) closed. If filing a *Statement of Limited Activity Report*, the time period covered begins the day after the last filed report closed.

2019 Election Dates	Feb 5	Mar 5	Apr 2	Aug 6	Nov 5
Committee Organization Deadline (except continuing committees/PACS)	Jan 6	Feb 3	Mar 3	Jul 7	Oct 6
Continuing Committee/PAC Organization Deadline	Dec 7	Jan 4	Feb 1	Jun 7	Sep 6
40 Day Before Report* (§130.046.1(3) RSMo.)					
Closing Date (date reported thru)	Dec 22	Jan 19	Feb 16	N/A	N/A
Due Date	Dec 27	Jan 24	Feb 21	N/A	N/A
8 Day Before Report** (§130.046.1(1) RSMo.)					
Closing Date (date reported thru)	Jan 24	Feb 21	Mar 21	Jul 25	Oct 24
Due Date	Jan 28	Feb 25	Mar 25	Jul 29	Oct 28
30 Day After Report*** (§130.046.1(2) RSMo.)					
Closing Date (date reported thru)	Mar 2	Mar 30	Apr 27	Aug 31	Nov 30
Due Date	Mar 7	Apr 4	May 2	Sept 5	Dec 5
Quarterly Reports (§130.046.1(3), 3 RSMo.)					
All committees must file quarterly reports no later than the 15 th day following the close of each calendar quarter. These quarterly reports are due until the committee terminates. Closing and due dates are below.					
Closing Date (Date reported through)	<u>Jan</u> Dec 31	<u>Apr</u> Mar 31	<u>Jul</u> Jun 30	<u>Oct</u> Sept 30	
Due Date	Jan 15	Apr 15	Jul 15	Oct 15	

***40 Day Before** only required if accepted contributions or spent money (made contributions or expenditures (paid or incurred) for that election.

****8 Day Before** only required if spent money (made contributions or expenditures (paid or incurred)) for that election.

*****30 Day After** only required if: 1) spent money (made contributions or expenditures (paid or incurred)) for that election; or, 2) if debt is more than \$1,000; and, if required, must be filed before taking office.

Cont.

Campaign Committees: For ballot measures to be qualified on the ballot by petition, see also §130.046.2

Campaign Finance Committees

Filing Requirements and Dates (cont.)

48 Hour Report of Contribution over \$5,000 (§130.044.1 RSMo.)

Any individual or committee that receives a single contribution (including a loan, see §130.011 RSMo. for full definition of contribution) from a contributor in an amount over \$5,000 must electronically report the contribution to the Missouri Ethics Commission within 48 hours of its receipt (must also report this contribution in the committee's next filed report).

Late Contribution Report (§130.050.3 RSMo.)

Any receipt of a contribution (including a loan, see §130.011 RSMo. for full definition of contribution) in an amount over \$250 that is received between the 11th day before the election through the day before the election, must be reported within 24 hours of its receipt (must also report this contribution in the committee's next filed report). The disclosure may be made electronically or by any written means of communication.

Late Expenditure Report (§130.046.3(2) RSMo.)

Each time a **continuing committee** (political action/PAC) spends or incurs more than \$250, whether in a single expenditure or in combined expenditures, after the 12th day before an election, a full disclosure report must be filed within 24 hours. This does not include contributions made to another committee.



Visit our website at www.mec.mo.gov for *Upcoming Filing Deadlines & Reminders* specific to your election!

Campaign Materials Identification Requirements

(Paid for by)


Who must comply? Any person publishing, circulating, or distributing campaign material relative to any candidate for public office or any ballot measure within Missouri (See §130.011(22) RSMo for definition of “person”).

What is Campaign Material? Pamphlets, circulars, handbills, sample ballots, advertisements, signs (including those for display on vehicles), or other imprinted or lettered materials. **Excluded:** items for personal use given away or sold (ex: campaign buttons, pencils, or clothing) which are paid for by a candidate or committee. See §130.031.8 RSMo for more information.

Who paid for the printed material	Required sponsor information (must follow the words “Paid for by”)
Candidate from personal funds (only if no candidate committee exists)	First name & Last name by which candidate is known. Ex: Paid for by (First Name) (Last Name)
Committee	Committee name as required to be registered by Missouri campaign finance law, along with the committee treasurer’s name and title (serving when the material was paid for). Ex: Paid for by (Committee Name), (Treasurer Name), Treasurer
Corporation, Business Entity, Labor Org., Other Org. (not a committee or organized for influencing election(s))	Name of the entity, entity’s principal officer’s name, known title, and mailing address of entity or principal officer (if entity has no mailing address)
Individual(s)	Individual(s) name, & mailing address(es). If more than 5 may print “for a list of sponsors contact (name & address of one individual responsible for having material printed)”. This individual must keep the names and amounts paid by all other individuals.
Must use full name of person &/or entity. Can not use abbreviations or acronyms.	

Federal Laws Govern:

TV & Radio: If you are a broadcast station transmitting matter about a candidate or measure, you must provide sponsor identification in accordance with federal laws. **Federal Candidates:** If you are a person causing matter to be printed or broadcasted about federal candidates, you must provide sponsor identification in accordance with federal laws.

 For more info, see FAQs, brochures & tutorials on our website!

Candidate/Committee Checklist

Once you have decided to form a committee or have met the dollar thresholds requiring you to form a committee, follow the steps below.

See the brochure, *When to Form & Register a Committee*. (Candidates refer to questions 1 & 2.)

Also refer to our booklet, *Campaign Finance Q&A*, as a general guide.

- ☐ Select Committee name. Last name of candidate must be included in committee name.
- ☐ Select a Treasurer. The treasurer must be a resident of the district or county in which the committee sits. Committee may also have a deputy treasurer. Candidate can serve as treasurer.
- ☐ Open a bank account in the committee's name. Committee name and bank account name must match.
- ☐ Complete the Statement of Committee Organization form in the Committee Registration Packet or on website and mail to the Missouri Ethics Commission. File the Electronic Filing Agreement found in the Packet.

NOTE: If a local campaign committee for ballot measure, mail to your local election authority.

- ☐ MEC Filers: **Read emails sent to you from the MEC!**; they contain reminders of reporting deadlines and other important information.
- ☐ Research and establish a plan for proper record-keeping.
- ☐ **Review contribution limits and restrictions on receiving and making contributions.** See pages 23-26 and the MEC website.
- ☐ View MEC tutorials & brochures, register for training.
- ☐ Review Reporting Calendars. Print a copy of the Deadlines & Reminders for your specific election from the MEC website.
- ☐ File required reports by due dates. (Avoid late fees!)

☐ After Election:

Unsuccessful candidate:

- If more money on hand than debt, terminate within 30 days and file termination report.
- If more debt than money on hand, can amend to a Debt Service Committee
- If unsuccessful incumbent, contact the MEC

Successful candidate:

- File 30 Day After Election Report **before** being sworn-in;
- Keep committee open, update to new election date on the Statement of Committee Organization form to continue receiving contributions; and
- May use committee funds for necessary and ordinary expenses in connection with duties of office; or
- Terminate the committee

Contribution Limits & Prohibitions

Constitutional Article VIII, Section 23

On November 8, 2016, Missouri voters approved Constitutional Amendment 2 which, among its provisions, imposes campaign contribution limits on certain candidates for state office including statewide offices, legislative offices and judicial offices. The specific constitutional provision is Article VIII, §23.

The Commission issued several opinions regarding Article VIII, §23. The full opinions can be found on the Advisory Opinions page of the MEC website.

Litigation Update: For the most current information refer to the MEC website. The regulated community should continually check for updates.

Frequently Asked Questions

What are the contribution limits and what candidates do the limits apply to?

Article VIII, §23. 3(1), provides a contribution limit of \$2,600 from any person, other than the candidate, to elect an individual to the Missouri state offices of: · Governor · Attorney General · Lieutenant Governor · Secretary of State · State Treasurer · State Judicial Office · State Auditor · Other State Office

Article III, §3, 20(c) provides a contribution limit of:

- \$2,500 to elect an individual to the office of State Senator; and
- \$2,000 to elect an individual to the office of State Representative.

The constitution does not include contribution limits for candidates for local elections; however, local jurisdictions may have their own contribution limits. (See Commission Opinion 2017.02.CF.001)

What elections do contribution limits apply to?

State contribution limits apply to “each” election. A primary election and the succeeding general election shall be considered separate elections.

Are there contribution limits for contributions to political parties?

Political party committees can accept aggregate contributions of \$25,000 per election from persons or committees. The aggregate applies to the party committees at the state, county, municipal, district, ward, and township level combined. In Commission Opinion 2017.02.CF.007, the Commission discussed the election cycle for purposes of the \$25,000 aggregate for political parties.

See also, Advisory Opinion No. 2017.05.CF.013

Contribution Limits & Prohibitions

Frequently Asked Questions (Continued)

Can a candidate subject to contribution limits receive contributions for the primary and general election at the same time and prior to the primary for the general election? In Commission Opinion 2017.03.CF.012, the Commission stated that state office candidates in a primary election may not receive simultaneous contributions from the same contributor for the primary and general elections in the period leading to the primary election. Therefore, contributions for the general election should not be received until after the primary election.

What rules apply to both state and local candidate committees?

While the contribution limits do not apply to local candidates, there are numerous provisions that apply to all candidate committees, including local candidates. Under these provisions, candidate committees:

CANNOT	CAN
<ul style="list-style-type: none">• accept from or make contributions to another candidate committee, including federal candidate committees• make contributions to political action committees (PAC)/continuing committees• receive contributions from corporations (with some exceptions) and labor organizations directly (see questions on corporation and labor organization contributions)	<ul style="list-style-type: none">• receive contributions from political action committees/continuing committees subject to contribution limits if they apply• make contributions to political party committees• receive contributions from political party committees

Can a corporate or labor organization contribute to candidate committees, exploratory committees, political party committees or political parties?

No, corporations or labor organizations cannot make direct contributions (monetary or in-kind) to political parties or candidate, exploratory, and political party committees. Examples of in-kind contributions include use of facilities without charge or donating prizes for fundraisers.

Contribution Limits & Prohibitions

Frequently Asked Questions (Continued)

Can corporations and labor organizations contribute to PAC's?

A corporation or labor organization may establish a political action (PAC)/continuing committee which may accept contributions or dues from members, officers, directors, employees or security holders.

In Commission Opinion 2017.03.CF.010, the Commission stated that a corporation or labor organization may not contribute its own treasury funds to its connected political action committee/continuing committee; it may contribute its own funds to an unconnected political action committee/continuing committee

In Commission Opinion 2017.07.CF.014, the Commission discussed connected organizations and how a corporation's status under the campaign finance laws is impacted under Article VIII, §23.

Is a Limited Liability Company considered a corporation?

In Commission Opinions 2017.02.CF.005, 2017.02.CF.006 and 2017.03.CF.009, the Commission discussed contributions from limited liability companies (LLC) and foreign entities as follows:

- To the extent that a Missouri LLC is an "eligible entity" and elects to be classified as a corporation under the federal tax code, it is considered a "corporation" for purposes of Article VIII, §23 of the Missouri Constitution. The same holds true for a foreign LLC to the extent it is an "eligible entity" and elects to be treated as a corporation by the Internal Revenue Service, or has publicly-traded shares.
- An LLC with one corporate member/owner that has elected to be treated as a partnership and a disregarded entity under the Internal Revenue Code is subject to the ban on corporate contributions under Article VIII, §23.3(3)(a).
- Political action committees/continuing committees may receive contributions from foreign corporations, associations or partnerships, holding valid certificates of authority to do business in this state under the chapters 347 to 360, RSMo.

Can non-citizens or foreign governments make state contributions?

Article VIII, §23.3 (16) states that no Missouri committee shall knowingly accept contributions from:

- Any natural person who is not a citizen of the United States; or
- A foreign government

Contribution Limits & Prohibitions

Frequently Asked Questions (Continued)

Are Political Action Committees (PAC)/Continuing Committees prohibited from receiving contributions from other state committees?

Political action committees/continuing committees are prohibited from receiving contributions from:

- Other political action committees/continuing committees
While the Constitution contains the prohibition, the federal courts have enjoined this provision and therefore, the prohibition of PACs giving to other PACs is not enforced.
- Candidate committees
- Political party committees
- Campaign committees
- Exploratory committees
- Debt service committees

How does Article VIII, Section 23 correspond to Chapter 130 of the Missouri Revised Statutes?

Article VIII, §23 is an amendment to the Missouri Constitution. Chapter 130 of the Missouri Revised Statutes are campaign finance laws passed by the Missouri General Assembly. The constitution provides additional provisions such as contribution limits, provisions relating to corporate and labor organization contributions, contributions received by and made by campaign finance committees, and criminal penalties.

What are the penalties for violation of Article VIII, Section 23?

Article VIII, §23 provides criminal penalties for violations of specific provisions. These penalties can be found in Article VIII, §23.5 and 6. In addition, §23.4 allows an individual to file a complaint with the MEC regarding a candidate alleged to be in violation of Article VIII, §23.3, within 60 days prior to the primary election until after the general election.





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Complaints & Investigations

Filing a Complaint

Any individual may file a complaint with the MEC if that individual believes any candidate or other individual has violated campaign finance disclosure laws, personal financial disclosure laws, conflict of interest laws, lobbying laws, or any order, ordinance or resolution dealing with the official conduct of officials or employees.

See §105.957 & §130.054 RSMo for more information.

- Unless a complaint alleges that a candidate has failed to file the appropriate PFD or campaign finance disclosure reports, the Commission shall not accept any other complaint filed against that candidate within sixty (60) days before the primary election until after the date of the general election.
- No complaint can be accepted by the MEC against a candidate within fifteen (15) days prior to the primary or general election in which the candidate is running for office
- A complaint alleging a candidate has violated Article VIII, §23.3 shall be filed within sixty (60) days prior to the primary election until the general election.
- All complaints must be in writing and must be notarized.
- A copy of the complaint will be provided to the individual it is filed against within five (5) days of receipt
- A copy of the complaint form may be downloaded from the MEC's website at www.mec.mo.gov

Commission Investigations

- Investigations are confidential
- Final actions are public



Search ***Commission Cases - Final Actions*** on our website.
Link Path: Commission Business > Commission Actions

Conflict of Interest

Conflicts of Interest

General provisions of the law (see §105.450-§105.467 RSMo for more information) apply to elected and appointed officials and some employees of the state and political subdivisions of the state. These laws provide that these officials and employees cannot:

- Use their office for financial gain for him/herself, spouse or dependent child(ren) or certain businesses
- Perform a service for the political subdivision for pay of more than \$500 per transaction or \$5,000 per year unless the service is competitively bid and the official, company, or partnership is the lowest bidder (if the official has more than a ten percent (10%) interest in the company or partnership). This also applies to the sale, rent, or lease of property to the political subdivision
- Vote for or against any measure if they have received or have been promised any gift or payment of any item or value on condition of the vote
- Receive anything of value to influence the action of the political subdivision
- No statewide elected official or member of the general assembly shall receive compensation as a paid political consultant from a campaign committee, a continuing committee, or a candidate or candidate committee for statewide office or general assembly.
- **Nepotism:** Name or appoint to public office or employment (includes voting) any person related to the official within the fourth degree by blood or marriage (great grandparent to first cousin).



See **Relationship Chart** on our website.

Use of Public Funds (See §115.646 RSMo)

No contribution or expenditure of public funds can be made by an officer, employee, or agent of a political subdivision to advocate, support, or oppose any ballot measure or candidate for public office.

This does not prohibit the public official of a political subdivision from making public appearances or issuing press releases about a ballot measure.

See also page 21 in this Guide for 'paid for by' requirements.



See **Conflict of Interest Guide** on our website.

Lobbying

Definition and Requirements

A lobbyist is a person who attempts to influence the action of government (see §105.470-105.478 RSMo for more information). There are four types of lobbyists:

- Legislative lobbyist
- Executive lobbyist
- Judicial lobbyist
- Elected local government official lobbyist

A lobbyist may register to lobby any or all of these government branches. Each lobbyist must do the following:

- Annually register with the Missouri Ethics Commission
- Pay a \$10 annual registration fee
- File monthly reports disclosing any monies spent on elected officials, their family, and/or staff or a No-Expenditure Report and disclosing business relationships with public officials.

Failure to file the monthly statement results in a \$10 per day late fee. A lobbyist may amend or terminate their status at any time.

A lobbyist or lobbyist principal must file *List of Principals and Legislative Action* report with the MEC by March 15 and May 30 of each year.

Reported Lobbyist Expenses

Constitutional Amendment 1, approved by Missouri voters on November 6, 2018, prohibits any person serving as a member of or employed by the General Assembly from accepting directly or indirectly a gift of any tangible or intangible item, service, or thing of value from any paid lobbyist or lobbyist principal in excess of \$5.00 per occurrence.

Lobbyists report monies spent by the lobbyist principal and/or the lobbyist. They report monies spent on behalf of public officials, their staff and employees, spouses, and dependent child(ren).

Reported lobbyist monies spent include:

- Printing & Publication
- Media & Other Advertising
- Travel
- Entertainment
- Honorariums/Gifts
- Meals/Food/Beverages
- Other

Lobbying

New Constitutional Amendment I Members & Employees of the General Assembly

Effective December 6, 2018, pursuant to the passage of Constitutional Amendment 1 by Missouri voters, no member or employee of the General Assembly shall act or serve as a paid lobbyist until the expiration of two calendar years after the conclusion of the session in which the member or employee served.

Section 105.455, RSMo

Any person that holds a statewide office of governor, lieutenant governor, secretary of state, auditor, treasurer, or attorney general shall not act, serve, or register as a lobbyist until six months after their term of office expires.

Any person that holds an office requiring appointment by the governor and confirmation by the senate, shall not serve, act, or register as a lobbyist until six months after they leave such office.

These provisions apply only to lobbyists employed by a lobbyist principal for pay or other compensation in excess of reimbursement for expenses incurred.

These provisions do not apply to a person acting, serving, or registering as a lobbyist for a state department or agency, even if paid.

Sections 105.465 and 130.097, RSMo

Any person who registers as a lobbyist and also has a candidate committee must dissolve the candidate committee and disburse all money of the committee by:

- Returning a contribution to the person or entity making the contribution,
- Donating to a 501(c)(3) nonprofit entity, or
- Transferring funds to a political party committee.

No person who registers as a lobbyist can transfer funds from any committee such person controls to another committee controlled by a candidate or public official. (See MEC Opinion 2016.08.L.001)



See *Lobbyist Tutorials & Lobbyist FAQs* on our website.

Higher Education: New Requirement

HIGHER EDUCATION EMPLOYEE SPOUSE TRAVEL EXPENSES (§105.498 RSMo)

Full-time employees of a public institution of higher education must file an out-of-state travel report with the MEC if their spouse had out-of-state travel expenses paid for by the institution. These travel expenses include, but are not limited to:

- Transportation
- Lodging
- Meals

If required, reports must be electronically filed:

Q1 -- January 1 to March 31, 2019

Q2 -- April 1 to June 30, 2019

Q3 -- July 1 to September 30, 2019

Q4 -- October 1 to December 31, 2019



Employees required to file a travel report must obtain an ID and password from the MEC.

Training Resources

Visit the **Educational Resources** page on our website to view the training & webinar schedule, web tutorials, and more!!

Flyers/Brochures

- Conflict of Interest Guide
- Conflict of Interest Relationship Chart
- Guide to Personal Financial Disclosure
- Year at a Glance (Political Subdivision Calendar)
- Campaign Finance—Candidates/Committees
 - After Election Requirements & Debt Service Committees
 - Campaign Committees
 - Campaign Finance Q&A
 - Campaign Materials Identification Requirements (Paid-for-by)
 - Exempt Candidates
 - Fund-Raising Activity
 - Guide to Record-Keeping
 - Statement of Limited Activity Requirements
 - Terminating a Committee
 - Treasurer's Guide for Campaign Finance
 - When to Form & Register a Committee
 - Upcoming Deadlines & Reminders (by election)

Web Tutorials

- Lobbyist (series of 4)
- Ethics Overview (series of 4)
- Campaign Finance—Candidates/Committees
 - Campaign Materials Identification Requirements (Paid-for-by)
 - Candidate Reporting Requirements
 - Forming a Campaign Finance Committee
 - Supplemental Forms—paper filers
 - Following Campaign Money
- Campaign Finance e-filing
 - Reporting for e-filers (series of 4)
 - Import Function Tutorial
 - Overview & Navigational Tutorial
 - Section Wizard Tutorial
- Political Subdivision—Duties and Responsibilities with the MEC

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Notes

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Notes

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Commissioners

Don Summers

Chair

Republican

6th Congressional District

Term expires March 15, 2020

Kim Benjamin

Vice Chair

Democrat

4th Congressional District

Term expires March 15, 2020

George Ratermann

Republican

2nd Congressional District

Term expires March 15, 2020

Wayne Henke

Democrat

3rd Congressional District

Term expires March 15, 2022

Sherman W. "Bill" Birkes, Jr

Republican

7th Congressional District

Term expires March 15, 2022

Cheryl D.S. Walker

Democrat

1st Congressional District.

Term expires March 15, 2022

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